

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

KEITH JEROME WRIGHT,

Plaintiff,

v.

J. DAVIS, et al.,

Defendant.

Case No. 1:20-cv-00192-DAD-EPG (PC)

ORDER REGARDING PLAINTIFF'S  
NOTICE RE: SETTLEMENT

(ECF Nos. 39, 41)

Plaintiff Keith Jerome Wright ("Plaintiff"), a state inmate proceeding *pro se* and *in forma pauperis*, commenced this action against Defendants J. Davis and P. Garcia ("Defendants") on February 6, 2020. (ECF No. 1.) On April 8, 2021, the parties attended a settlement conference with Magistrate Judge Dennis M. Cota and reached a settlement. (ECF No. 35.) This case was dismissed pursuant to the parties' stipulation on April 14, 2021. (ECF Nos. 37, 38.)

On January 10, 2021, Plaintiff Keith Jerome Wright ("Plaintiff") filed a notice regarding the current status of settlement. (ECF No. 39.) Plaintiff states that the settlement amount has not been paid, even though payment was due within 180 days of settlement. (*Id.*) Plaintiff "petition[s] the court to help [him] finalize this lawsuit that was on Court Record." (*Id.*)

On January 25, 2022, Defendants filed a response. (ECF No. 41.) According to the motion, California Penal Code 2085.8 mandates that CDCR pay Plaintiff's restitution first, and then deposit any remaining funds into his trust account. (*Id.* at 3.) The settlement funds were paid on September 9, 2021, and applied directly to Plaintiff's restitution balance. (ECF No. 41-1 at 2.) Because the restitution balance exceeded the settlement amount, there were no excess funds to be deposited into Plaintiff's trust account. (*Id.*; ECF No. 41 at 1-2.)

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2 It appears that Defendants have timely paid the settlement funds and that payment was  
3 processed in accordance with California Penal Code 2085.8. Accordingly, the Court will take no  
4 action at this time.

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6 IT IS SO ORDERED.

7 Dated: January 27, 2022

/s/ Eric P. Shoup  
UNITED STATES MAGISTRATE JUDGE